

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

JAKE SHREVES,

Plaintiff,

v.

FRONTIER RAIL CORPORATION; and
YAKIMA CENTRAL RAILWAY,

Defendants.

Case No.:

COMPLAINT FOR PERSONAL INJURIES
AND DAMAGES
[45 U.S.C. § 51]

DEMAND FOR JURY TRIAL

Introduction

1. This is an action by Plaintiff Jake Shreves against Defendants to recover damages for injuries and for other relief under the Federal Employers Liability Act, 45 U.S.C. § 51 *et seq.* (“FELA”).

Parties

2. Jake Shreves (“Shreves”) is, and was at all times material, a Washington resident employed by Defendants and working throughout Washington as directed by Defendants.

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3. Defendant Frontier Rail Corporation (“Frontier”) is a rail carrier engaged in interstate commerce and maintains its headquarters and/or principal place of business in Walla Walla, Washington. Frontier owns and operates six short-line railroads, including Defendant Yakima Central Railway.

4. Defendant Yakima Central Railway Corporation (“YCR”) is a rail carrier engaged in interstate commerce and is a wholly owned subsidiary of Frontier. It maintains its headquarters and/or principal place of business in Yakima, Washington.

Jurisdiction and Venue

5. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 45 U.S.C. § 51 *et seq.*

6. Venue is proper here because the harm complained of occurred in this district, Defendants maintain their headquarters and/or principal place of business here and conduct substantial business here.

Statement of Facts

7. On or about January 28, 2016, Shreves was engaged in performing the duties of his employment in or near Harrah, Washington. At the time and place aforementioned, Shreves was walking on or next to the railroad tracks when he unexpectedly and without warning, fell into a hole and sustained severe injuries.

8. In or about February, 2016, Shreves fell and sustained new and/or exacerbated injuries when he fell due to uneven and/or poorly maintained terrain while performing his duties for Defendants in or near Finley, Washington.

9. The worksites aforementioned are owned, operated, controlled, and/or maintained by Defendants.

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1 10. On or about March 1, 2016, Shreves was terminated from employment with
2 Defendants.

3 **FIRST CAUSE OF ACTION**
4 **VIOLATION OF THE FEDERAL EMPLOYER'S LIABILITY ACT**

5 11. Shreves incorporates by reference and re-alleges paragraphs 1-10 as
6 though fully set forth herein and further alleges:

7 12. The Federal Employers' Liability Act ("FELA") is remedial legislation
8 originally enacted by the United States Congress in 1908 to compensate railroad workers for
9 personal injuries suffered in the course of their employment. Railroad workers covered under the
10 FELA are not eligible for state workers' compensation as the FELA provides the sole remedy
11 against their railroad employers for job-related injuries.

12 13. Under the FELA, railroads such have a non-delegable duty to provide its
13 employees with a reasonably safe workplace.

14 15. At the time of his injury, Shreves was employed by Defendants, a railroad
16 carrier engaged in interstate commerce, and his work-related duties were in furtherance of
17 interstate commerce as contemplated by 45 U.S.C. § 51.

18 15. Shreves' injury was painful, inconvenient, required significant medical
19 treatment and will likely require future medical treatment.

20 16. Defendants breached their duty to provide Shreves with a reasonably safe
21 work environment and reasonably safe equipment by, among other things:

22 a. Failing to warn him of known or reasonably foreseeable dangers;
23 b. Failing to provide him with adequate equipment;
24 c. Failing to provide him with adequate assistance;

d. Failing to provide him with adequate information concerning the areas in which he was required to work;

e. Failing to adequately protect him from dangerous conditions;

f. Failing to test or properly evaluate the conditions and equipment with which he was required to work;

g. Failing to develop proper procedures for performing his work;

h. Improperly assigning him to duties likely to result in the injuries he suffered;

- i. Failing to maintain and inspect work areas;

- j. Failing to adopt and enforce proper rules, regulations, and procedures concerning work practices and work areas; and

k. Was otherwise negligent through its officers, agents and employees in ways not specifically alleged herein.

17. Defendants' negligence was a direct and proximate cause of the incident(s) resulting in his injuries.

18. Defendants caused Shreves' injury by violating the FELA and related laws enacted for the safety and protection of railroad workers. Because of its statutory negligence and violations of the law, Defendants are legally obligated to compensate Shreves for his injuries.

19. For the reasons set forth herein above, Shreves is entitled to damages under the FELA in an amount to be determined at trial.

REQUEST FOR RELIEF

For these wrongs, Shreves seeks all relief necessary to make him whole including, but not limited to:

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- 1 a. Lost wages;
- 2 b. Compensatory damages including damages for pain and suffering;
- 3 c. Costs of suit;
- 4 d. All such other relief as is appropriate under the circumstances.

5 **PLAINTIFF DEMANDS A JURY TRIAL.**

6 DATED: January 28, 2019 By: *s/Mariano Morales, Jr.*
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COMPLAINT FOR PERSONAL INJURIES AND DAMAGES
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